

SENTENCING MINUTES
NORFOLK/NEWPORT NEWS DIVISION

Set: 12:00 p.m.

Started: 12:00pm

Ended: 12:40pm

Date: 7/11/18

Judge: Henry Coke Morgan, Jr., SUSDJ

Court Reporter: Carol Naughton, OCR

U. S. Attorney: David Layne

Defense Counsel: Amanda Conner, AFPD

Probation Officer: Leah Greathouse

Courtroom Deputy: Lori Baxter / Kendra Johnson

Case No. 4:17cr117

Defendant: SALEEM OMARIE FORBES () on bond (X) in custody

☒ Came on for disposition.

☒ Deft. sworn.

☐ Govt /Deft motion

- Argued

☐ GRANTED

☐ DENIED

☐ Presentence report reviewed.

☒ Court ACCEPTS the factual content of PSR as factual findings and the application of guidelines.

☐ Objections heard & rulings made.

☐ Evidence presented (Witnesses & Exhibits listed on last page)

☒ Arguments heard

☒ Statement of defendant heard

☐ Court finds deft. GUILTY as to Count(s) _____ after a plea before a USMJ.

IMPRISONMENT:

☒ Count(s) 1,3: The deft. shall be committed to the custody of the BOP to be imprisoned for a term of 84 months. This term consists of 84 months on Count 1 and a term of 84 months on Count 3, all to be served concurrently/consecutively.

☐ The deft shall receive credit for time served.

☒ The deft is remanded to the custody of the U. S. Marshal.

☐ The deft shall surrender for service of the sentence at the institution designated by the Bureau of Prisons / U. S. Marshal Service, before _____ on _____, as notified by the U. S. Marshal.

PROBATION / SUPERVISED RELEASE:

☐ The deft shall be placed on Probation for a term of _____ years.

☒ Upon release from imprisonment, the deft. shall be on supervised release for a term of 10 years. This term consists of 10 years on Count 1, a term of 10 years on Count 3, all to run concurrently.

SEX OFFENDER CONDITIONS

- 1) As reflected in the presentence report, the defendant presents a low risk of future substance abuse and therefore the court suspends the mandatory conditions for substance abuse testing. However, this does not preclude the probation officer from ordering the administration of such tests during his period of supervised release if it appears appropriate.
- 2) The defendant shall participate in a program approved by the United States Probation Office for mental health treatment to include psychosexual evaluation and sex offender treatment. The cost of this program is to be paid by the defendant as directed by the probation officer.
- 3) The defendant shall waive all rights of confidentiality regarding sex offender/mental health treatment in order to allow the release of information to the United States Probation Office so that the probation officer and if necessary, the court, may determine the need for such continuing treatment during his period of supervised release.
- 4) The defendant shall submit to polygraph testing as directed by the probation officer as part of his sex offender program to ensure compliance with his obligation under supervised release. The polygraph testing may be ordered at least on a semi-annual basis.
- 5) The defendant shall not accept any paid or volunteer positions involving children or minors and he shall not have access to or possess any pornographic material or pictures displaying nudity or any printed matter using juvenile models or pictures of juveniles.
- 6) The defendant shall have no contact with minors unless supervised by a competent informed adult approved in advance by the United States Probation Office.
- 7) The defendant shall not utilize any sex related adult telephone or electronic services and shall produce any records of any electronic or written materials including telephone bills, credit card bills, and any bills for electronic services.
- 8) Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the defendant shall register with the state sex offender registration agency in any state where he resides, works, or attends school according to federal and state law in such jurisdictions.
- 9) The defendant shall also consent to the search of his person, property including his residence, and his vehicle without a warrant so long as the searches are conducted during normal working hours and the search will include any printed or electronic media.
- 10) Any use of a computer by the defendant shall be monitored by the probation officer including use at his place of employment and may be monitored to prevent its use which in any way would violate the terms of supervised release.

DRUGS:

✓ As reflected in the presentence report, the deft presents a low risk of future substance abuse and therefore, the Court hereby suspends the mandatory condition for substance abuse testing as defined by 18 U.S.C. 3563(a)(5). However, this does not preclude the United States Probation Office from administering drug tests as they deem appropriate.

_____ The deft shall refrain from any unlawful use of a controlled substance and submit to one drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter, at times and places directed by the probation officer.

_____ If the defendant tests positive for the use of illegal substances or the abuse of alcohol, he shall be required to participate in and successfully complete a program for substance abuse, which program may include residential and/or out-patient treatment and testing to determine whether the deft has reverted to the use of drugs or alcohol, as determined by his needs at that time.

_____ The defendant shall waive all rights of confidentiality of any information disclosed during such treatment so that the Court and the probation officer will be able to make a determination of the duration and nature of the treatment required.

MENTAL HEALTH & ANGER MANAGEMENT:

_____ The deft shall participate in a mental health and/or anger management treatment program, as directed by the Probation Officer. He shall be required to waive any right of confidentiality as to any mental health treatment received in order to allow release of information to the Probation Officer.

MONETARY CONDITIONS:

_____ The deft shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer and shall provide the probation officer access to any requested financial information.

_____ The deft shall apply monies received from income tax refunds, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

_____ The deft. shall participate in the Treasury Offset Program as directed by the probation officer.

MOTOR VEHICLE:

_____ If the deft commits a moving traffic violation, he shall not operate any form of motor vehicle during the period of supervised release.

_____ If the deft tests positive for use of a controlled substance or abuse of alcohol, he shall not operate a motor vehicle during the period of supervised release, regardless of the status of his operator's license.

CHILD SUPPORT:

_____ The Court reserves the right to impose child support upon the defendant's release. The defendant shall comply with all existing orders of support. If there is no such order in effect during his period of supervised release, the Court will impose its own requirement.

EDUCATION & EMPLOYMENT:

_____ The defendant shall obtain his/her GED and develop a skill and/or trade while on supervised release.

_____ If at any time the defendant is unemployed for a period of 60 days during his period of supervised release, the Court will order that he be required to obtain vocational training to improve his opportunities for employment.

_____ The deft is prohibited from engaging in any occupation where the deft would have access to individuals' personal information, money or accounts.

ILLEGAL ALIEN:

_____ Upon completion of the term of imprisonment, the deft is to be surrendered to a duly-authorized immigration official of the Department of Homeland Security Bureau of Immigration and Customs Enforcement for a deportation review in accordance with established procedures provided by the Immigration and Naturalization Act, T.8 USC, Section 1101, et seq. If deported, the deft shall not re-enter the U.S. without the express permission of the U. S. Attorney General.

_____ If at any time the deft illegally reenters the United States during the term of supervised release, his illegal reentry will be a violation of supervised release, as well as a violation of law.

HOME DETENTION & MONITORING:

_____ The deft shall participate in the Home Confinement Program, which shall include electronic monitoring at the deft's expense, for a period not to exceed _____ consecutive months/days as directed by the probation officer. During this time, he shall remain at his place of residence except for employment, obtaining medical attention for himself and family, attending religious services if he be so inclined and other activities approved in advance by the probation officer.

_____ The deft shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding", "caller ID", "call waiting", portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. The deft shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of electronic monitoring, all as directed by the probation officer.

FINANCIAL PENALTIES:

_____ The defendant shall pay a fine of \$ _____. Interest waived: _____ Yes _____ No

☒ The defendant shall pay a special assessment of \$ 200.00 which shall be due and payable immediately and if not immediately paid, may be deducted in installments from the defendant's prison account in accordance with the rules and regulations applicable to such accounts.

_____ The defendant shall make restitution pursuant to the plea agreement and /or as set out in the Restitution Judgment in the amount of _____

Interest waived: _____ Yes _____ No

_____ Restitution Order entered & filed in open Court.

_____ Restitution is joint and several with _____

It shall be a condition of supervised release that the defendant pays any criminal monetary penalties that remain unpaid at the time of supervised release.

✓ The Court waives the cost of prosecution, incarceration, and supervised release, *except costs of treatment programs.*

✓ Consent Order of Forfeiture entered & filed in open Court.

RECOMMENDATIONS TO THE BUREAU OF PRISONS:

✓ The Court recommends that the defendant be incarcerated *at the facilities at Morgantown, WV which offers a dog-training program.*

 The Court recommends that while incarcerated:

 The defendant shall participate in a substance abuse program.

 The defendant shall develop a skill or trade

 The defendant shall obtain his / her GED.

✓ The defendant notified of his rights should he decide to appeal.

✓ Court noted that the defendant waived the right of appeal in the plea agreement.

✓ The defendant having been found guilty and sentenced on Count(s) 1, 3 of the Indictment, it is ordered that Count(s) 2, 4-12 of the Indictment be dismissed in accordance with the terms of the plea agreement and on motion of the United States.

 The defendant is continued on present bond & cautioned re. bail jumping.

ADDITIONAL COUNTS / COMMENTS:

WITNESSES:

EXHIBITS:

